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IN THE HIGH COURT OF JUDICATURE AT BOBBY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 5479 OF 2000

Mackinnons Abad Shipping Ltd. ... Petitioner

Vs.

The Commissioner for Workmen's Compensation & Ors. .... Respondents.

Mr. R. K. Redi, Sr. Advocate with Mr. Piyush Shah, Advocate for the petitioner.

Mrs. M.P. Thakur, AGP for respondent Nos. 1 & 2.

CORAM: F.I. REBELLO,
AND
R. V. MORE, JJ.

DATE : JANUARY 24, 2007.

P.C.:

. Respondent Nos. 3, 4 and 5 are the legal heirs of Umar Ayub Fatte. They have applied under the provisions of Workmen's Compensation Act. By the order 20th May 1999, Machinon Mckenzie & Co. Ltd. were directed to deposit the compensation. As there was failure to pay the amounts, a certificate was issued for recovery of the amount due and payable as arrears of land revenue. The Assistant Collector (Revenue) served the notice on the petitioners herein, demanding the amount in

terms of the certificate and failing, to attach the salary, property. The petitioners addressed a letter dated 13th September 2000 to the Collector and pointed out that they were not concerned, nor were they noticed by the Commissioner of Workmen's Compensation and to withdraw the notice. As it was not withdrawn, the present petition. Before this Court on 12th October, 2000 it was contended on behalf of petitioners that they have no connection with Mackinon Mckenzie & Co. Ltd. Only common factor noted by this Court on 12th Oct. 2000 was sharing a common address. The petitioners however, were directed to deposit 50% of the amount. by the order of 18th April 2001, petition was admitted and balance 50% was ordered to be deposited with a direction for investment.

2. When the matter was kept for hearing by an order made on 11th Jauary 2007, we had sought particulars in respect of petitioners and Mackinon Mchenzie & Co. Ltd. An affidavit has been filed by Ajit Keeriyott, Senior Manager (Personnel) of Northern Marine Management (India) Private Limited. It is pointed out that pursuant to tripartite agreement dated 20th November 2002 Northern Marine Management (India) Pvt. Ltd. has

taken over management agency of Chevron Manning Services Ltd. The Board of Directors of MASL and Mackinon Mackenzie & Co. Ltd. for the relevant year 2000-2001 are set out. From the said information it appears that there is no connection between petitioners and Mackinon Mackenzie & Co. Ltd.

. In the light of that petition is allowed. Consequently rule is made absolute in terms of prayer Clause (a). Respondent No. 2 to proceed to effect recovery against the assets of Mackinon Mackenzie & Co. Ltd.against whom the certificate has been issued for recovery as per the provisions of the Land Revenue Code. Rule, made absolute accordingly with the above directions.

3. The petitioners had deposited monies in terms of the order of the Court. On producing a certified copy of this order, the amount deposited and if invested be paid to the petitioners alongwith accumulated interest.

[R. V. MORE, J.] **[F.I. REBELLO,J.]**